

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7197

BILL NUMBER: SB 265

NOTE PREPARED: Jan 1, 2007

BILL AMENDED:

SUBJECT: Criminal Trespass.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill makes criminal trespass on property a Class D felony instead of a Class A misdemeanor if a person intended to: (1) damage, injure, or harass livestock on the property; or (2) release lawfully confined livestock from confinement on the property.

Effective Date: July 1, 2007.

Explanation of State Expenditures: Under current law, criminal trespass is a Class D felony if it is committed on a scientific research facility, on school property, or on a school bus or if a person has a prior conviction for an offense on the same property. Under the bill, another condition for enhancement to a Class D felony would be if the offender intended to: (1) damage, injure, or harass livestock on the property or (2) release lawfully confined livestock from confinement. There are no data to indicate how many offenders may be committed to state correctional facilities for Class D felony criminal trespass based on these additional circumstances.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Background: On average between 2001 and 2005, there were 17 offenders a year committed to a state

correctional facility for criminal trespass, a Class D felony. There is no information in the record to indicate where those offenders committed the criminal trespass or the circumstances of the offense.

Explanation of State Revenues: If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120. If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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